

DECLARATORY

Improvement Res. No. 1035-1960

For the Vacation of the first alley west
of Crescent Avenue from the south property line
of Charlotte Avenue to the north property
line of the first alley south of Charlotte
Avenue.

Resolution Adopted:

Sept. 13, 1960

Confirmed:

Oct. 13, 1960

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Dec. 29, 1960

DECLARATORY RESOLUTION NO. 1035-1960

For the Vacation of the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

PLANS ORDERED: July 6, 1960

ADOPTED: Sept. 13, 1960

ADVERTISE NOTICE TO PROPERTY OWNERS: Sept. 22 & 29, 1960

HEARING ON CONFIRMATION: Thurs., Oct. 13, 1960, at 6:30 p.m. IST

CONFIRMED: October 13, 1960

ASSESSMENT ROLL ORDERED: October 13, 1960

ASSESSMENT ROLL APPROVED: Nov. 29, 1960

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Dec. 29, 1960, 6:30 p.m. IST.

NOTICE SERVED: Dec. 14, 1960

ASSESSMENT ROLL CONFIRMED: Dec. 29, 1960

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lot No. 1, Crescent Heights Addition and the North $\frac{1}{2}$ of the East 81.45 feet of Lot No. 11, H.C. Hanna's Out Lot. Both additions inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter of Section Thirty-six, Township 31 North, Range 12 East, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

13

DAY OF

September 1960

Attest:

Secretary Board of Public Works.

Board of Public Works.

City of Fort Wayne



ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

NOTED

☐ P.F.R.

☐ J.D.L.

☐ B.W.

Date _____

FORT WAYNE, INDIANA

January 10, 1961

*Orig filed
City Eng. Miss.
Covers*

Mr. G.L. Bridgewater
Indiana & Michigan Electric Company
2101 Spy Run Avenue
Fort Wayne, Indiana

Re: Declaratory Resolution No. 103p-1960 which provides for the vacation of the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

Dear Mr. Bridgewater:

A signed easement grant, in connection with the above described resolution, is attached.

Per our verbal agreement, it is my understanding that Indiana & Michigan will have this grant recorded, providing they may keep the original copy.

The City will need three copies of the recorded grant or, if you prefer, we can borrow the original and make our own prints.

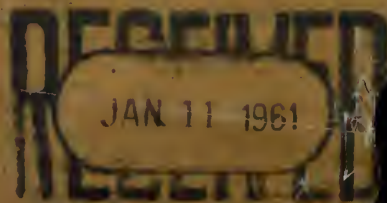
I assume I & M will furnish the other Utilities with a copy, as in the past.

If you find this arrangement agreeable, the same procedure will be followed on all future vacations by Declaratory Resolution.

Donald E. Bodeker
Donald E. Bodeker,
Office Engineer

DEB/is

CC: Board of Public Works
(Board Order 151-1960)



P E T I T I O N

RECEIVED
JUN 27 1960

Fort Wayne, Ind., June 27, 1960

NOTED

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

☒ P.F.R.
☒ J.D.L.
☒ B.W.

The undersigned, owners of ☒ real

estate on Charlotte Avenue, from
1312 ~~xxx~~ through 1317, inclusively

respectfully petition for the passage of a resolution providing for the vacation of the following alley, to-wit:

The north 110 feet of that certain alley approximately ten feet in width, running north and south between Clara Avenue and Charlotte Avenue, and East of Kentucky Avenue and West of Crescent Avenue, Fort Wayne, Indiana, more particularly described as follows, to-wit:

Commencing at the northwest corner of Lot Numbered One (1) Crescent Heights Addition to the City of Fort Wayne, Allen County, Indiana, according to the recorded plat thereof, thence south and at a ninety-degree angle with Charlotte Avenue along the West boundary line of said Lot Numbered 1, a distance of 110 feet to the southwest corner of said Lot Numbered 1, thence west and on a line parallel to Charlotte Avenue, a distance of ten feet more or less, to a point on the East property line of Lot Numbered 11, Henry C. Hanna Outlots to the City of Fort Wayne, Allen County, Indiana, according to the recorded plat thereof, said point being a distance of 110 feet north of the north property line of said Lot numbered 11, thence north and at a ninety-degree angle with Charlotte Avenue, a distance of 110 feet to the Northeast corner of said Lot Numbered 11, thence East and parallel to and adjacent with Charlotte Avenue, a distance of 10 feet, more or less, to the place of beginning, all of which property lies within the above described alley, and is subject to an easement along and upon said tract of land for the purpose of erection and maintenance and repair of sewer and utility easements.

V. W. Criswell

V.W. Criswell

V. A. Crisswell

Va Crisswell

1312 Charlotte Avenue

Oscar N. Peppler

Oscar N. Peppler
Olga Peppler

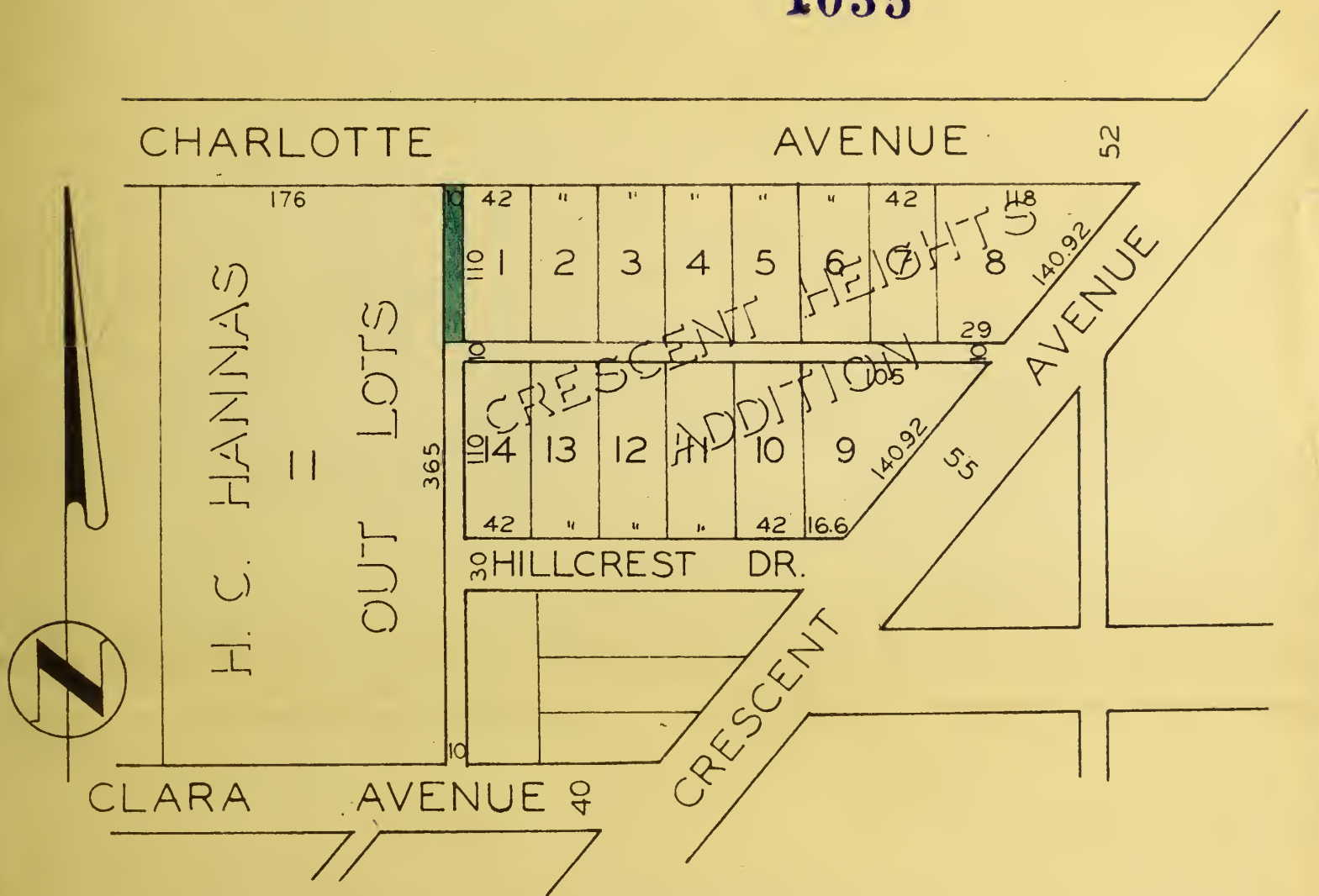
Olga N. Peppler

1314 Charlotte Avenue

Thomas Hogan
1700 Lincoln Bldg (A-144)
att for petitioners

ALLEY TO BE VACATED

1035



APB
2/4 10/17

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

42-176-2

Date October 13, 1960

B.O. 151-'60

To City Engineer

Subject Declaratory Res. 1035-1960 - Vacation of the first alley west of Crescent Avenue

from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

Prepare Assessment Roll of benefits and damages; the property owners benefited to be assessed costs of advertising, \$11.30.

This Declaratory Resolution was confirmed with the proviso that a proper pedestrian easement be established.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ms

attach. Res. and P.O. List

NOTED

☐ P.F.R.
☐ J.D.L.
☐ B.W.

Date _____

Signed _____

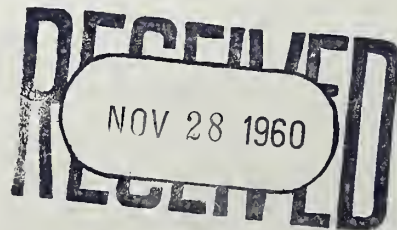
Reply:

November 25, 1960

Assessment roll of benefits and damages completed and attached.

A handwritten signature in cursive script, reading "Edward Green".
Edward Green,
City Engineer

DEB/is
Attachs.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

NOTED

☒ P.F.R.
☐ J.D.L.
☐ B.W.

Date _____

September 26, 1960

Mr. Gilson Wright
Miami University
Oxford, Ohio

Sent to Box 64

Dear Sir:

This has reference to your letter of September 22 with respect to Resolution 1035 to vacate the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue.

You will note from the pencil sketch attached that your lot, namely No. 14, is not particularly benefited by the improvement. You were merely notified of the public hearing to be held October 13 in accordance with Indiana Statutes because your property comes within 150 feet of the improvement. It will not be necessary for you to attend the meeting inasmuch as only resident property owners abutting the improvement can legally vote against it.

We trust the foregoing information will serve your purpose.

Very truly yours,

Fenneth McEraw, Clerk
BOARD OF PUBLIC WORKS

KM:ms

enc.

cc: Mayor

Res. 1035

Encl. gave box 64
Oxford, Ohio

MIAMI UNIVERSITY
OXFORD, OHIO

Sept. 22, 1960

RECEIVED
SEP 23 1960

NOTED

Board of Public Works
City Hall
Fort Wayne, Ind.

☐ P.F.R.
☐ J.D.L.
☐ B.W.

Gentlemen:-

Date _____

I am the owner of Lot 14, Crescent Heights Addn., and am in receipt of your notice of improvement dated Sept. 21.

If necessary, I will come to the meeting Thursday night, Oct. 13, but perhaps you can save me a 250-mile round trip by answering a question for me.

Does the vacation of the alley mean that my lot is thereby widened? Who becomes the owner of the alley? This is important to me as the lot already is too narrow to attract a purchaser and I have had the lot offered for sale for some time.

And if it is necessary for me to come to the meeting, I will need to know if you meet in the City Hall because I will have so little time that I will need every minute I can get and would want to go directly to the building. I am familiar with a building on, I believe, Clinton St. Is this the address?

Also, is Fort Wayne on ~~an~~ eastern standard time? That is our time and busting to get away from here an hour too early would be silly in case you are on central time.

I am hoping your vacation of the alley will benefit my lot to such an extent that I can sell it. It has been a blankety-blank nuisance the way it is!

Sincerely,

Gilson Wright
Gilson Wright

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

NOTED

42-21-6

Date July 6, 1960

☐ P.F.R.
☐ J.D.L.
☐ E.W.

B. O. 151-'60

To City Engineer

Subject Vacation - alley Clara & Charlotte

Date

Received a petition for the Vacation of the alley between Clara Avenue and Charlotte Avenue from Kentucky Avenue to Crescent Avenue.

Prepare an Opinion, after conferring with all Governmental agencies and utilities.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed

Reply:

1035

September 8, 1960

Declaratory Resolution, drawing and property ownership list completed and attached.

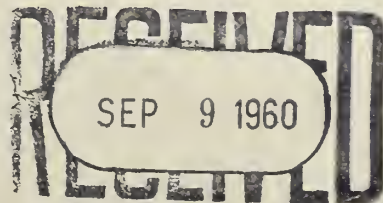
There are no objections to this vacation providing a utility easement is retained.

An easement grant has been prepared and forwarded to the petitioners' attorney who reports he will have it signed before the public hearing is held.

Edward Green
City Engineer

DEB:lm

Attachs.



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

City of Fort Wayne



OFFICE OF
CITY PLAN COMMISSION

FORT WAYNE 2, INDIANA

September 1, 1960

1035

Mr. Donald Bodecker
Office Engineer
City Engineers Office

Dear Don:

We have reviewed the proposed vacation of the alley between Kentucky Avenue and Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue and have the following comments.

We have no objection to the proposed vacation for the following reasons:

1. The alley, being only 10 feet wide, is not sufficient in width for proper movement of automobiles.
2. The intersection of this alley with Charlotte Avenue is a blind intersection for automobiles proceeding north through the alley onto Charlotte Avenue.
3. The alley is not used as a means of access to the rear of any lots or to any garages.
4. At the present time the alley is unimproved except for crushed stone and gravel.

As a result of the above reasons, it would be our recommendation that this alley be vacated in favor of a utility easement since there are utilities presently in the right of way of the alley.

Sincerely,

CITY PLAN COMMISSION

B. J. Jones
William J. Jones
Planning Director

WJJ:mo

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ... September 21, 1960

1035

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
pass Improvement ^{Declaratory} Resolution No. 1035-1960
providing for the Vacation of the first alley west of Crescent Avenue from the south
property line of Charlotte Avenue to the north property line of the first alley
south of Charlotte Avenue.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the de-
tailed plans, profile and specifications which are now on file and may be seen in the office of the Board
of Public Works.

The Board has fixed..... December 29, 1960 at 7:30 p.m.
a date and time when they will hear and consider objections or remonstrances from all persons whose
property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the Gen-
eral Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supple-
mental thereof.

BOARD OF PUBLIC WORKS

ENGINEERING
DEPT. OF STREETS

DATE February 27, 1961

5
up 2-28

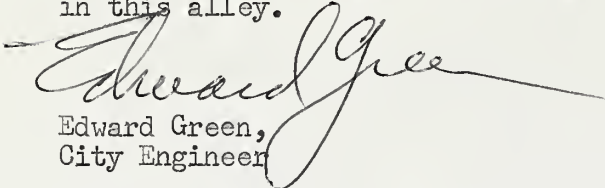
NOTED
☒ P.F.R.
☒ J.D.L.
☒ E.W.
Date 3/1/61

TO: Board of Public Works
SUBJECT: Board Order No. 151-1960

A copy of the easement grant for Declaratory Resolution No. 1035-1960 which provides for the vacation of the first alley west of Crescent Avenue from the south property line of Charlotte Avenue to the north property line of the first alley south of Charlotte Avenue, is attached.

This grant has been signed by all property owners involved and recorded in the office of the Allen County Recorder. It should be filed with the resolution as a permanent record.

Copies have also been distributed to each Utility Company with facilities in this alley.


Edward Green,
City Engineer

DEB/is
attachs.

cc: Mayor Burns

RECEIVED
FEB 28 1961
RECEIVED

THIS INSTRUMENT WITH TEST, that the Grantors, of the age of twenty-one (21) years, for and in consideration of money and other valuable consideration, receipt of which is hereby acknowledged by the Grantors, do hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation, NORTHERN INDIANA PUBLIC SERVICE COMPANY, an Indiana corporation, GENERAL TELEPHONE COMPANY OF INDIANA, INC., an Indiana corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation of the State of Indiana, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (overhead and/or underground) with all necessary or convenient poles, crossarms, structures, conduits, ducts, wires, cables, guys and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or other power to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described; and (2) to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines, connections, meters and other equipment and appurtenances, for the transportation and distribution of gas, water and/or sewage to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power and all other purposes whatsoever in, upon, along, over, under, through or across the real estate described below and being as follows:

Beginning at the northwest corner of Lot No. 1, Crescent Heights Addition to the City of Fort Wayne; thence south along the west line of said Lot No. 1, a distance of 110 feet, to the southwest corner of said Lot No. 1; thence west by deflection right of 90 degrees, a distance of 10 feet to a point on the east line of Lot No. 11, H.C. Hannas Out Lots to the City of Fort Wayne, said point being 110 feet south of the south right of way line of Charlotte Avenue; thence north along the east line of said Lot No. 11, a distance of 110 feet to the south line of Charlotte Avenue; thence east by deflection right of 90 degrees, a distance of 10 feet to the point of beginning.

TOGETHER with the right, privilege and authority to the Grantees, and each of them, and their respective successors and assigns, to cut and, at their option, remove from said real estate any trees, over-hanging branches, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said poles, crossarms, structures, conduits, ducts, mains, pipes, wires, cables, guys and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantors where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to crops, fences, drains, ditches or buildings of the Grantors on lands of the Grantors adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damages accrue. If Grantors and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

The easement grant above set forth shall also include the right of the public to walk over the land subject to the above described easement, with full rights of ingress and egress, and the grantors agree not to construct any obstruction or fence over the land subject to said easement grant which will interfere with or obstruct the right of the public to use said land as a walkway.

1961 FEB 6 PM 3:00

Richard H. Starnes
ALLEN COUNTY RECORDER

The Grantors reserve the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owners in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantors will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantors and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantors have executed this instrument this 7 day of September, 1960.

~~It is hereby agreed that the above described land is to be used for the purpose of the easement described herein.~~

Lot Number

Oscar Peppler
Oscar Peppler

Lot No. 1
Crescent Heights Addition
(owner prior to September 2, 1960)

Victor W. Criswell
Victor W. Criswell

North $\frac{1}{2}$ of East 81.45 feet
Lot No. 11
H.C. Hannas Out Lot

Virginia A. Criswell
Virginia A. Criswell

DULY ENTERED FOR TAXATION

SEP 6 - 1961

Olga M. Peppler
Olga M. Peppler

Richard L. Lambaugh
Notary Public

Peter D. Bojrab
Peter D. Bojrab

Lot No. 1
Crescent Heights Addition
(Owners after September 2, 1960)

Mabel Bojrab
Mabel Bojrab

STATE OF INDIANA)
COUNTY OF ALLEN) SS.

This instrument was prepared by

Donald E. Anderson

Before me, the undersigned, a Notary Public in and for said county and state, this 7th day of September, 1960, personally appeared: Oscar Peppler, Victor W. Criswell, Virginia A. Criswell, Olga M. Peppler, Peter D. Bojrab and Mabel Bojrab, and acknowledged the execution of the

foregoing Grant of Easement. In witness whereof, I have hereunto subscribed

my name and affixed my official seal.

Thomas D. Logan

(Thomas D. Logan) Notary Public

Commission Expires:
September 27, 1960.

Improvement Resolution No. ¹⁰³⁵-1960 For The Vacation Of The First Alley West Of Crescent Avenue From The South Property Line Of Charlotte Avenue To The North Property Line Of The First Alley South Of Charlotte Avenue.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
6							
1	BOJAB, PETER D. & MABEL M.	3346 Stallion Road		1			Crescent Heights Add.
2	ORT, VIRGIL J. & MARGARET E.	1326 Charlotte		2			"
3	MONROE, HUBERT L. & GOLDIE E.	1330 Charlotte		3			"
4	WESEMANN, WILLIAM A. & ALMA	1334 Charlotte		4			"
5	WEIGHT, GILSON P.	1316 1/2 Charlotte, Ohio		14			"
6	CRISWILL, VICTOR W. & VIRGINIA A.	1312 Charlotte		11	E. 81.45' of N 1/2		H. C. HANNAS OUT LOT
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60	NOTICES MAILED OR SERVED						
61	September 21, 1960						
62	By: <i>Beryl Gehring</i>						
63	N. Co. P.O.						
64							
65							
		TOTAL					

1035